

REMARKS

Status of the Application & Formalities

Claim Status

Claims 1-19 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 2, 5 and 19.

Information Disclosure Statement

Applicant thanks the Examiner for considering and initialing all of the references listed on the PTO/SB/08 form accompanying the Information Disclosure Statement submitted on April 21, 2005.

Art Rejections

1. *Claims 1-5, 12-14, 18 and 19 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by Levy et al. (US 4,501,360).*
2. *Claims 1, 15-17 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Suck et al. (6,021,924).*
3. *Claims 6-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Levy in view of Nemoto et al. (4,121,844).*

Claim Rejections - 35 U.S.C. § 102

1. *Claims 1-5, 12-14, 18 and 19 under Levy.*

In rejecting claims 1-5, 12-14, 18 and 19 under Levy, the grounds of rejection state:

The Levy et al. reference discloses a fastener element (11,12,13,12a,13a) on a fluid reservoir (1), the fastener element including a deformable snap-fastener portion (12,13,12a,13a), the fastener element being characterized in that stiffener means (inner portions of 12 and 13; see fig. 2) are provided inside the snap-fastener portion (12,13,12a,13a); and wherein snap-fastener portion (12,13,12a,13a) consists of a lateral skirt of the fastener element, and a projection (upper projections of 12a,13a; see fig.2) projecting radially inwards from the inside wall (of 14 and 15) of

the lateral skirt; and wherein the stiffener means (inner portions of 12 and 13; see fig. 2) are inserted, integrated, sunk, or embedded inside the snap-fastener portion (12,13,12a,13a); and wherein the stiffener means (inner portions of 12 and 13; see fig. 2) consist of one or a plurality of rigid and/or resilient elements; and wherein the rigid and/or resilient element(s) extend in or around the periphery of the snap-fastener portion (12,13,12a,13a); and wherein the fastener element is a snap-fastenable ring (11, 11 a, 11 b) having an ferrule portion (longitudinal portions extending upward from 11 b; see fig.2) extending inside the case body (1); and wherein the snap-fastenable ring (11,11 a,11 b) is made from a single plastics material; and wherein the snap-fastenable ring (11,11 a,11 b) is made from a plurality of different plastics materials (col.1, lines 1517).

(Office Action at pages 2-3.)

The Examiner alleges that the elements 11, 12, 13, 12a, and 13a disclose a fastener element and the deformable “inner portions of 12 and 13” of Levy disclose the stiffener means. Applicant respectfully disagrees.

Elements 11, 12, 13, 12a, and 13a are not a fastener element because they do not “fasten[] a fluid dispenser member on a fluid reservoir,” as recited in independent claim 1. Rather, element 11 is a “cover” for a packaging for transporting containers that hold biological products, and elements 12, 13, 12a, and 13 are parts of the cover 11. (See Levy, col. 1, lines 7-11, 46-54; col. 2, lines 18-19.) As such, the cover 11 does not “fasten[] a fluid dispenser member on a fluid reservoir” as recited in independent claim 1.

Furthermore Levy does not disclose at least “wherein stiffener means are provided inside said deformable snap-fastener portion.” Referring to Figure 2 of Levy, there is nothing provided inside of elements 12 and 13. The Examiner states that the “inner portions of 12 and 13” disclose the stiffener means. The inner portions of 12 and 13, however, are not located inside of

12 and 13. Rather, the inner portions of 12 and 13, are provided outside of the inner portions on a centrally facing surface.

Moreover, there is no structure in Levy, inside or outside of elements 12 and 13, “for substantially preventing said deformable snap-fastener portion from deforming after snap-fastening.” To the contrary, Levy discloses that elements 12 and 13 remain deformable. Levy states:

The bottom of the case 1 is open and defined by a peripheral skirt 16 so as to permit access of the fingers to the ends 12a and 13a of the strips 12 and 13. A simultaneous pressure exerted on these ends in a direction to cause them to move toward each other, permits an unlocking and the extraction of the cover 11 from the case 1.

(Levy, col. 2, lines 29-35.)

In view of the above, Applicant submits that Levy does not anticipate independent claim

1. Claims 2-5 and 12-14 are allowable at least by virtue of their dependency from independent claim 1.

Regarding independent claim 18, Levy does not disclose at least “[a] fastener element for fastening a fluid dispenser member on a fluid reservoir” or “the fastener element comprising a resilient or rigid stiffener element inside the snap-fastener portion that substantially prevents the snap-fastener portion from deforming after snap-fastening.”

As noted above, the cover 11 in Levy does not fasten a fluid dispensing member on a reservoir, and therefore does not disclose a fastener element as recited in independent claim 18.

Furthermore, Levy does not disclose any element inside of the snap-fastener portion or any element that substantially prevents the snap-fastener portion from deforming after snap-

fastening. Again, Levy discloses that elements 12 and 13 are deformable so that the cover 11 can be unlocked and extracted from the case 1. (*See* Levy, col. 2, lines 29-35.)

Regarding dependent claim 19, Levy does not disclose at least “wherein the stiffener element is inserted or embedded inside the deformable snap-fastener portion.” Again, nothing is shown as being inserted or embedded inside of elements 12 and 13 in Levy.

In view of the above, Applicant respectfully submits that Levy does not anticipate claims 1-5, 12-14, 18 or 19.

2. *Claims 1, 15-17 under Suck.*

In rejecting claims 1 and 15-17 under Suck, the grounds of rejection state:

The Suck et al. reference discloses a fastener element (9) on a fluid reservoir (1,2), a dispenser member (5) mounted to the fluid reservoir (1,2), the fastener element (9) including a deformable snap-fastener portion (lower end of 9), the fastener element being characterized in that stiffener means (10) are provided inside the snap-fastener portion (lower end of 9); and wherein the dispenser member is a pump (5).

(Office Action at page 3.)

The Examiner alleges that element 9 of Suck discloses a fastener element and that element 10 of Suck discloses a stiffener means. Element 10 of Suck, however, is not inside of element 9. Rather, again, element 10 is more centrally located than element 9, but element 10 is not inside of element 9.

Furthermore, element 10 is not for “substantially preventing said deformable snap-fastener portion from deforming after snap-fastening,” as the stiffener means is recited as being in independent claim 1. Rather, element 10 is adapted to snap fit with the deformable internal sheath 2 of the bottle, whereas element 9 is adapted to snap fit with the exterior of the rigid

sheath 1 of the bottle. (See Suck, col. 2, lines 20-28.) As such, element 10 would not prevent element 9 from deforming after snap-fastening.

Claims 15-17 are allowable at least by virtue of their dependency from independent claim

1. As such, Applicant submits that claims 1 and 15-17 are not anticipated by Suck.

Claim Rejections - 35 U.S.C. § 103

3. *Claims 6-11 over Levy in view of Nemoto.*

Claims 6-11 depend from independent claim 1. As such, these claims are allowable at least by virtue of their dependency from independent claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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